

PART OF ALIMONY PAID BY STILLMAN

Check for \$62,500, Which
Also Covers Fees, Given
to Lawyers.

APPEAL IS STILL OPEN

Banker's Counsel Asks for
Speedy Trial of Di-
vorce Suit.

BABY GUY AT HEARINGS

Efforts Now Being Made to
Agree on Date—Wife to
Submit Letters.

James A. Stillman's lawyers visited Mrs. Stillman's lawyers yesterday and presented a check for \$62,500 and notice that they intended appealing from Justice Morschauser's ruling that the presentation of the check necessary.

The \$62,500 represents two months' alimony (\$7,500 a month) and counsel fees of \$35,000 and \$12,500 for expenses. DeLancey Nicoll and Cornelius J. Sullivan, representing Mr. Stillman, did not file notice of appeal with the Appellate Division. They merely informed Mrs. Stillman's attorneys that they had not abandoned the idea of appealing and that they would take that step unless contrary was shown in getting the case back before Daniel J. Gleason, the referee.

The money was paid to Cadwalader, Wickersham & Taft, attorneys of record for Mrs. Stillman, and with the check went a letter which read:

"We beg to hand you herewith our check for \$62,500 to cover payment for temporary alimony and counsel fees specified by order of the Special Term, dated April 4, 1921. We make this payment without prejudice to our right to appeal from the order within the thirty days allowed by law.

Urgent Prompt Trial.

"Our client desires a prompt trial of the issues and is not disposed to furnish any excuse for delay by staying the proceedings pending an appeal. For this reason, also, he makes payment now of the several instalments of counsel fees and expenses in advance of the dates fixed in the order.

"We, therefore, propose, in accordance with the terms of the order and opinion of Justice Morschauser, that the hearing before the referee be resumed on Wednesday, April 20, at 10:30 o'clock in the forenoon. As at present advised, we shall not exercise our right to appeal unless we are convinced that there is no probability of a trial at a reasonably early date.

"May we ask that you advise us promptly if the above date is satisfactory, so that in the event of our being unable to agree, we can apply to the referee to fix a time for the resumption of the trial."

Edward Quinn, as emissary of Mr. Stillman, went to Poughkeepsie and conferred with John E. Mack, guardian ad litem for Guy Stillman, and with Mr. Gleason. Notice of the proposed appeal was served on Mr. Mack, who sent word to Mr. Stillman that as much as he approved of a speedy resumption of the hearing it would be impossible for him to appear until after April 25 on account of other legal matters.

May Ask Additional Fees.

At the office of Cadwalader, Wickersham & Taft, it was said they could not agree to appear before the referee on April 20, as suggested in the letter, until they had conferred with Stanfield & Levy and Mr. Mack. But inasmuch as Justice Morschauser's order required the payment of counsel fees and expenses in full before there could be a resumption of the referee's hearings, the payment of these sums was taken by Mrs. Stillman's attorneys to mean that Messrs. Nicoll and Sullivan proposed to force matters and check the activities of Mrs. Stillman's detectives.

It is understood that Mrs. Stillman's lawyers will ask the court for \$2,500 additional counsel fees if Mr. Stillman appeals.

Where the resumed hearings will be held is not agreed upon. It is likely they will take place in New York city, however. It was announced that James A. Stillman, Jr., was anxious to appear as a witness for his mother, but that his mother discouraged this. The boy, Guy, will be present at the hearings in the custody of Mr. Mack.

One of the most important documents Mrs. Stillman will offer to Mr. Gleason will be a letter written to her by her husband after Guy's birth. In this letter it is said the banker refers to Guy as "our boy" and goes on to tell how he had enjoyed a long trip he had made especially to see him. The letter is said to be one of several in which the banker speaks quite tenderly about "our boy" and "our Guy." A year after writing this letter the banker brought suit against his wife.

To back up this letter from her husband Mrs. Stillman will produce as witnesses nurses and governesses who will tell how the banker played "horse" in the nursery with Guy and how he acted as the conventional, fond father.

FAKE DIVORCE CASE WITNESS ARRESTED

Westchester County Charges
Him With Perjury.

Nelson Bohman, said by the Westchester county authorities to have been one of the witnesses used by Herbert F. Miller in the operation of his fake divorce mill in West Thirty-fourth street, was arrested yesterday in a New York department store by Detective Paul Hearn of the staff of Sheriff Werner of Westchester county. He was taken to White Plains and held in \$2,500 bail on a charge of perjury.

Leo Parsons Davis, District Attorney Westchester county, said that Bohman received a fee of \$10 from Miller for testifying in fake divorce suits. It was reported yesterday that he had confessed to Mr. Davis, involving Miller in a number of cases in which it is said the evidence was perjured and bogus decrees, with the forged signature of a Supreme Court Justice, sold to the plaintiffs in the actions.

STONED BY BOYS, DIES.

Jacob Kirchner, 50 years old, owner of a coal yard at 205 East 109th street, died last night in Mount Sinai Hospital from the effects of having been stoned last Tuesday by some boys who have not yet been found by the police.

All that Kirchner could tell at the hospital was that he did not think he had been picked out as a target by a mob, but that he accidentally ran afoul of a street battle.

WOMEN RECLUSES IMMURED 3 YEARS IN HOBOKEN HOTEL

Finally Taken to Hospital When Pile of Cans on Fire
Escape Reveals Their Strange Mode of Life—
All Shopping by Mail.

The police and the health authorities of Hoboken, N. J., will be grateful to any one who will put them in touch with relatives or friends of Miss Carrie Sunderland, 60 years old, and her niece, Mrs. Fannie Miller, who were taken to a hospital yesterday from two hotel rooms in which they had remained as voluntary prisoners for more than three years.

None of the officials who had anything to do with the case was able to learn from the women what their purpose had been in withdrawing so completely from the world. They are well educated and paid their bills at the hotel regularly. They would say only that they had "their own reasons" for living as they did.

Their case was brought to the attention of the authorities by the manager of Meyer's Hotel, at Third and Hudson streets, who complained that a fire escape outside the rooms occupied by Miss Sunderland and Mrs. Miller had been piled with tin cans and that the women had refused through either to dispose of the cans or permit servants of the hotel to come and get them.

Investigation by police and health officers disclosed a strange state of affairs. Both women were in bed, Miss

Sunderland obviously very ill; a sick dog lay groaning on the floor, and the two rooms which the women occupied were piled knee high around their walls with empty food cans and boxes. Miss Sunderland refused to talk at all, but Mrs. Miller, after considerable urging, said that they had cut themselves off from the rest of the world because they "had to," and that she would discuss that point no further. Their home, she said, was in Manhattan, and they had moved to Hoboken suddenly in January, 1918.

Since then, she stated, neither of them had been out of their rooms, and what food they had had they had ordered and received by mail.

Mrs. Miller told Police Inspector Daniel Kieley that she had been involved in lawsuits concerning an estate of \$100,000 left her by her husband in Kansas City for many years. She said that until recently payments had been made her from the estate by a cousin in Kansas City. Then the money stopped coming and she undertook to find out why.

Miss Sunderland was found to be suffering from tuberculosis after both women had been taken to St. Mary's Hospital. She will be kept there until her case has been investigated fully. Mrs. Miller was allowed to leave the hospital after she had been there a few hours.

REPUBLICANS PUT IN CLAIMS FOR U. S. JOBS

State Committee's Headquarters Besieged.

New York Republicans seeking Federal jobs at the hands of the new Administration at Washington foregathered yesterday from all parts of the State and put in their claims at the headquarters of the Republican State Committee. They were heard there by United States Senators William M. Calder and James W. Wadsworth and George Glynn, chairman of the committee. For a part of the day the callers were so numerous that the line extended outside the door of the building.

Senator Calder is expected to confer next Monday with President Harding upon the distribution of patronage in New York State, in order that that question may be settled as early as possible and be ready for final disposition when Congress convenes.

Among the callers yesterday were Philip E. Ewing, United States circuit judge; Jesse Phillips, State Superintendent of Insurance; William Barnes and William D. Cunningham, Court of Claims judges, who are said to desire a United States District Judgeship.

BAIL REFUSED BREWER; PERMITTED TO APPEAL

Head of Ex-Services Men's League Now in Tombs.

Bail was refused yesterday in the case of William S. Brewer, director of the Ex-Services Men's Cooperative League, who was convicted last Monday of using the mails to defraud. Judge Knox granted the defendant the right to appeal his case Thursday and yesterday Brewer applied for bail pending the appeal.

In opposing the application for bail Maxwell S. Mattuck, Assistant United States Attorney, contended that if allowed bail it would give Brewer the opportunity to continue his fraudulent operations. The defendant is now in the Tombs. He was sentenced to serve eighteen months in the Federal penitentiary in Atlanta.

WOMEN HONOR JEFFERSON.

Democratic Political League Hears His Work Extolled.

Two hundred women of the Women's Democratic Political League gathered last night at the Hotel Pennsylvania in honor of Thomas Jefferson.

Before the speaking Mrs. Lillian R. Sire, president of the league, read President Jefferson's first inaugural address. The speakers, former Representative Herbert C. Pell, Jr., and Judge Cornelius Collins of the Court of Special Sessions, discussed the contributions of Thomas Jefferson to the welfare of the Republic and the value of his statements on problems of the present day. Judge Collins denounced Gov. Miller for having taken from the city the right of home rule.

FRUTCHEY SILK SHOP

4 WEST 40TH STREET
NEAR FIFTH AVENUE

Freedom of New York's first retail
silk shop is yours today—every day.

Mr. Frutchey is demonstrating daily the relativity of willing
yardstick and buy purse. Time, energy and money saved
prove the practicability of this business hypothesis. Buy
your silk where nothing but silk is bought and sold.

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\$100,000 IN DRUGS SEIZED BY RAIDERS

Narcotic Squad Descends on
Mott Street Importer Early
This Morning.

Drugs worth \$100,000 were seized at 2 o'clock this morning by detectives working under Dr. Carlton Simon, Special Deputy Police Commissioner, in a raid on the apartment of David Botti, an importer of olive oil, who lives one flight up at 110 Mott street. The detectives believe that the batch seized this morning is from the same source as the \$250,000 lot which was discovered in Brooklyn two weeks ago.

For some time Lieut. Mooney and Detectives Boylan and Cruger of the Narcotic Squad have been trailing Botti. A short time after midnight they saw him go into a grocery store at 119 Mulberry street, where, the police believe, the wholesale drug vendors have maintained a sort of distributing center. Detective Cruger stopped Botti and asked him what he was carrying on his hip.

"Not a thing," said Botti. But Cruger searched him anyhow and found a package of cocaine.

Papers found on Botti led the detectives to his flat in Mott street. They gained entrance with a key which they had found in Botti's pocket. Over the protests of Botti's wife and daughter they searched the flat and finally found the package of drugs hidden in a recess in a clothes closet.

The package apparently had not been opened. It came from Darmstadt, Germany, according to markings on it, and Dr. Simon said he believed it was a part of a huge consignment which has been smuggled into this country recently.

Botti, according to the detectives, has had a large clientele among the uptown drug vendors, especially in the Italian districts. The drugs were taken to Police Headquarters and Botti was locked up.

CHIEF RABBI ARRESTED AS VOLSTEAD VIOLATOR

Rochester Dry Agents Seize
\$18,000 Worth of Wine.

ROCHESTER, N. Y., April 8.—Prohibition enforcement agents to-day arrested Rabbi Solomon Sadowsky, chief Orthodox Jewish Rabbi of Rochester; his son, Bert Sadowsky, and Sam Katz, on charges of violating the Volstead act by selling sacramental wine to persons not furnished with a permit from a rabbi. About \$18,000 worth of wine was confiscated.

Rabbi Sadowsky and Katz conducted licensed stores for the sale of sacramental wines. The prohibition agents charged that they purchased wine without the required permits, and the three arrests followed. The agents say salesmen were employed to drum up trade.

TO DREDGE JAMAICA BAY.

The Board of Estimate authorized yesterday an issue of \$750,000 in corporate stock to pay for the dredging of a channel in Jamaica Bay. An issue of \$250,000 in serial bonds was authorized for an addition to the municipal bath house at Coney Island.

ENO'S HUGE GIFTS ARE HELD VALID

Columbia University Will Get
\$12,500,000 Under Appel-
late Division Decision.

Amos F. Eno, who drew up a will disposing of an estate of \$20,000,000 a few months before he died on October 21, 1918, in his 77th year, was competent to execute the document, the Appellate Division held yesterday. The will left a residuary estate amounting to \$12,500,000 to Columbia University and \$7,500,000 to other educational and charitable institutions and relatives. Opposing its validity were numerous prominent next of kin, including William P. Eno, brother of the testator; Antoinette E. Wood, sister; Henry L. Eno and Clifford and Amos R. E. Finchot, nephews; Antoinette Johnston, Florence C. Graves and Mary F. Eno, nieces. The document divided \$4,500,000 among them, but it was executed as a substitute for a previous will in which the real estate owner had left nearly all his estate to the relations.

The Appellate Court opinion reversed a decision of a Surrogate's jury that Mr. Eno was incompetent when he made his will, and ordered a new trial. It reversed also an order of the Surrogate's Court denying a motion to set aside the jury's verdict. Though all the Appellate justices concurred in the verdict of competency, two opinions were handed down. The majority one, by Justice Page, said in part:

"During his whole life he was ready to say as an excuse for not doing what he did not want to do that he was 'not

able to afford it.' It was a favorite joke when in company or friends to refuse to make a purchase of some cheap article, and tell the salesman that he could not afford it. Notwithstanding this well known characteristic, the same statement made in the last year of his life is presented as a delusion evidencing senile dementia; the joke of middle life becomes the tragedy of old age.

"Any opinion that a man has not sufficient testamentary capacity to draw a will has but little force if he has drawn a will that shows that he had capacity to comprehend the nature and extent of his property, the nature of the act he was performing, the name and identity of the persons who were the proper objects of his bounty and his relations to them.

"Reviewing all the evidence and giving due weight to that produced by the contestants, in my opinion any inference that might be drawn therefrom adverse to the testator's capacity is overcome by the actual demonstration of his mental process as shown by the evidence. He undoubtedly had some weaknesses and infirmities, but possessed to the day of his death a strong will, business capacity, discernment and judgment."

New York University receives a bequest of \$250,000 under the will. Similar amounts are left to the Metropolitan Museum of Art, the American Museum of Natural History and the Association for Improving the Condition of the Poor. The General Society of Mechanics and Tradesmen was left \$1,500,000.

WARDER JURY IS OUT.

Special Despatch to THE NEW YORK HERALD, Utica, April 8.—The case of Rutger B. Warder, charged with the murder of Henry Werner, went to the jury late this afternoon. In summing up counsel for the defense said Warder was only a tool in the hands of Mrs. Henry Werner and her mother, Mrs. Minnie Woodbridge, who wanted to get rid of Werner for his insurance. He asked the jury to send his client to Matteawan for life.

The District Attorney asked for a first degree conviction. A verdict is not expected before morning.

Let Fatima smokers tell you

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CASES OF TWO NASSAU OFFICIALS DISMISSED

Court Orders Action on Mo-
tion of Counsel.

The indictments against Supervisor George Wilbur Doughty and Sheriff Charles W. Smith of Nassau county, returned by the Grand Jury as a result of the gambling scandal last summer, were dismissed yesterday by Justice J. Addison Young in the Supreme Court at White Plains. The indictment against Mr. Doughty and Sheriff Smith charged conspiracy, and on the first trial of the case the jury disagreed. The motion for dismissal was made by Henry A. Uterhart of counsel for the defendants.

District Attorney Weeks did not oppose the motion, but he submitted an affidavit to the court in which he set forth all of the evidence in the case and asked Justice Young's opinion as to whether the indictment should be dismissed.

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